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Application No. 10/735,016  
Amendment A

### REMARKS

Responsive to the Office Action mailed July 13, 2005, Applicants provide the following. Claims 17-22 have been canceled without prejudice or disclaimer in response to a restriction requirement. Sixteen claims remain pending in the application: Claims 1-16. Reconsideration of claims 1-16 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

### Information Disclosure Statement

1. Applicants thank the Examiner for returning initialed IDS forms; however, the Examiner did not initial next to U.S. Patent Pub. No. 2003/0039445 that was provided in an electronic IDS filed by Applicants. While it appears the Examiner has fully considered the reference and intended to mark all of the references in the electronic IDS Applicants respectfully request that the Examiner provide Applicants with another initialed copy of the electronic IDS indicating that the reference was considered.

### Restriction Requirement

2. Claims 1-22 stand subject to a restriction requirement under 35 U.S.C. § 121. During a telephone conversation with Mr. Thomas F. Lebens a provisional election was made without traverse to prosecute claims 1-16 of the present invention. Applicants affirm the election of claims 1-16 as requested by the Examiner. Claims 17-22 have been canceled without prejudice.

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**Claim Rejections - 35 U.S.C. § 103**

3. Claims 1-16 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,999,670 (*Yoshimura et al.*).

*Yoshimura et al.* discloses methods for cutting and polishing a fiber optical waveguide (such as shown in Fig. 9) and for cutting and polishing an optical fiber (such as shown in Figs. 7 and 8). Distinction is made between the fiber optical waveguide and the optical fiber. As shown in Figs. 7 and 8 of *Yoshimura et al.* the optical fiber has a reflective surface 6 that is at one end of the optical fiber. In contrast, the fiber optical waveguide shown in Fig. 9 has a reflective surface 9 that is detached from the optical waveguide such that light actually leaves the optical waveguide before being reflected. As described at Column 18, lines 47-51 "A large difference in function between the oblique end face mirror 9 of a type shown in FIG. 9 and the oblique end face mirror 6 of a type as shown in FIG. 7 is that they are reverse to each other in respect of the direction of deflection."

The Examiner states on page 4 of the outstanding office action the *Yoshimura et al.* does not explicitly express that the desired angle for the angled polished surface recited in Applicants claim is at an angle other than 45 degrees. However, the Examiner states that "such desired angle can be for example 44 degrees (see fig. 42, item angle 44 degrees) and/or 42.5 degrees (see at least example 37)" for support that it would be obvious to have "an angled polished end surface on an end of the optical fiber, the polished end surface at an acute angle other than 45 degrees from a side of the fiber," such as is claimed by Applicants.

These portions of *Yoshimura et al.* describe a blade that is used to cut a fiber optical waveguide that is connected to a substrate and thus has a reflective surface that is detached from the optical waveguide. The blade has the angles provided by the Examiner, however, the blade is used to cut an optical waveguide (described above as

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being shown in Fig. 9) and is not used to cut an optical fiber (described above as being shown in Figs. 7 and 8). *Yoshimura et al.* describes in length and gives many examples of cutting the optical waveguide with the blade shown in Fig. 42 in order to increase the reflectance of the oblique end face mirror 9 of the resulting waveguide. The examples given in *Yoshimura et al.* provide many different values for  $\theta$  and  $\phi$  that improve the reflectance of the oblique end face mirror 9 due to the relationship between  $\theta$  and  $\phi$  (see Examples 37 and 38). However, these examples do not correspond to the optical fiber, such as is shown in Figs. 7 and 8, but rather to the optical waveguide shown in Fig. 9. Therefore, the portions of *Yoshimura et al.* cited by the Examiner do not teach or suggest "an angled polished end surface on an end of the optical fiber, the polished end surface at an acute angle other than 45 degrees from a side of the fiber." That is the optical waveguide shown in Fig. 9 does not include "an polished end surface on an end of the optical fiber" but reflects light from the end face mirror 9 that is detached from the optical fiber.

Furthermore, *Yoshimura et al.* teaches that improved reflectance can be obtained by having an oblique end face mirror in an optical waveguide that been cut such as shown in Fig. 43. Therefore, *Yoshimura et al.* specifically teaches away from having an angle of other than 45 degrees in order to attenuate the optical signal in the system.

Thus, Applicants respectfully submit that *Yoshimura et al.* does not teach or suggest all of the limitations of Applicants invention and teaches away from having "an angled polished end surface on an end of the optical fiber, the polished end surface at an acute angle other than 45 degrees from a side of the fiber," in order to attenuate an optical signal. Therefore, Applicant respectfully submits that *Yoshimura et al.* does not render claims 1-16 obvious and that the rejection is overcome.

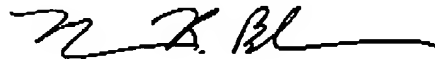
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CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Martin R. Bader  
Reg. No. 54,736  
Attorney for Applicant(s)  
(858) 552-1311

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603